

ENGLANDS BIRTH-RIGHT

Justified

Against all Arbitrary Usurpation, whether REGALL or PARLIAMENTARY, or under what Vizor soever,

With divers *Queries, Observations and Grievances* of the People, declaring this Parliaments present Proceedings to be directly contrary to those fundamentall Principles, whereby their Actions at first were justifiable against the King, in their present Illegall dealings with those that have been their best Friends, Advancers and Preservers: And in other things of high concernment to the Freedom of all the Free-born People of England;

By a Well-wisher to the iust cause for which Lieutenant Col. JOHN LILBURN is unjustly imprisoned in New-gate.

In the 150. page of the Booke called, An exact Collection of the Parliaments Remonstrances, Declarations, &c. published by speciall Order of the House of Commons, March 24. 1642. we find there a Question answered, fit for all men to take notice of in these sad times; which followeth.

Quest. **N**OW in our extreme distractions, when forraigne forces threaten, and probably are invited, and a malignant and Popish party at home offended, The Devil hath cast a bone, and rais'd a Contestation between the KING and PARLIAMENT touching the MILITIA. His Majestie claims the disposing of it to be in Him by the right of Law; The Parliament saith, Rebus sic stantibus, and nolenti Rege, the Ordering of it is in them?

Ans. ¶¶¶¶¶ This Question, may receive its solution by this distinction. That there is in Laws an equitabie, and a literall sense. His Majestie (let it be granted) is intrusted by Law with the Militia, but it is for the good and preservation of the Republick, against Forraign Invasions or domestick Rebellions. For it cannot be supposed that the Parliament would ever by Law intrust the King with the Militia against themselves, or the Common-wealth, that intrusts them to provide for their weal, not for their woe. So that when there is certaine ap-

patience or grounded suspicion, that the Letter of the Law shall be improved against the equity of it (that is, the publick good, whether of the body reall or representative) then the Commander going against its equity, gives liberty to the Commanded to refuse obedience to the Letter: for the Law taken abstract from its originall reason and end, is made a shell without a kernell, a shadow without a substance, and a body without a soul. It is the execution of Laws according to their equity and reason, which (as I may say) is the spirit that gives life to Authority the Letter kills.

Nor need this equity be expressed in the Law, being so naturally implied and supposed in all Laws that are not meerly Imperiall, from that Analogie which all bodies Politick hold with the Naturall; whence all Government and Governours borrow a proportionable respect; And therefore when the *Militia* of an Army is committed to the Generall, it is not with any expresse condition, that he shall not turn the mouthes of his Cannons against his own Souldiers, for that is so naturally and necessarily implied, that its needlesse to be expressed, insonmuch as if he did attempt or command such a thing against the nature of his trust and place, it did *ipso facto* estate the Army in a right of Disobedience, except we think that obedience binds Men to cut their owne throats, or at least their companions.

And indeed, if this distinction be not allowed, then the legall and mixt *Monarchy* is the greatest *Tyranny*; for if Laws invest the King in an absolute power, and the Letter be not controlled by the equity, then whereas other Kings that are absolute *Monarchs*, and rule by Will, and not by Law, are *Tyrants* perforce. Those that rule by Law, and not by Will, have hereby a *Tyranny* confer'd upon them legally, and so the very end of Laws, which is to give bounds and limits to the exorbitant wills of Princes, is by the laws themselves disappointed, for they hereby give corroboration (and much more justification) to an arbitrary *Tyranny*, by making it legall, not assumed; which Laws are ordained to crosse, not countenance: and therefore is the Letter (where it seems absolute) alwayes to receive qualification from the equity, else the foresaid absurdity must follow. So farre the *Parliament's own words*.

It is confessed by all rationall men, that the *Parliament* hath a power to annull a Law, and to make a new Law, and to declare a Law,
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but known Laws in force & unrepealed by them, are a Rule (so long as they so remain) for all the *Commons* of *England* whereby to walk; and upon rationall grounds is conceived to be binding to the very *Parliament* themselves as well as others. And though by their legislative power they have Authority to make new Laws, yet no free-man of *England* is to take notice (or can he) of what they intend till they declare it: neither can they, as is conceived, justly punish any man for walking closely to the knowne and declared Law, though it crosse some pretended Priviledge of theirs, remaining onely in their own breasts.

For where there is no Law declared, there can be no transgression; therefore it is very requisite, that the *Parliament* would declare their Priviledges to the whole *Commons* of *England*, that so no man may through ignorance (by the *Parliament's* default) run causelessly into the hazard of the losse of their lives, liberties, or estates: for here it is acknowledged by themselves, that their Power is limited by those that be trust them; and that they are not to doe what they list, but what they ought, namely to provide for the peoples weal, and not for their woe: so that unknown Priviledges are as dangerous as unlimited Prerogatives, being both of them secret snares, especially for the best affected people.

It is the greatest hazard and danger that can be run into, to dispart the onely known and declared Rule; the laying aside wherof brings in nothing but Will and Power, lust and strength, and so the strongest to carry all away; for it is the known, established, declared, and unrepealed Law, that tells all the Free-men of *England*, that the Knights & Burgeses chosen according to Law, and sent to make up the *Parliament*, are those that all the *Commons* of *England* (who send and choose them) are to obey.

But take away this declared Law: and where will you find the rule of Obedience? and if there be no rule of Obedience, then it must necessarily follow, that if a greater and stronger number come to a *Parliament* sitting, and tell them that they are more and stronger then themselves, and therefore they shall not make Laws for them, but they will rather make Laws for them, must they not needs give place? undoubtedly they must.

Yea, take away the declared, unrepealed Law, and then where is *Meum & Tuum*, and Libertie, and Propertie? But you will say, the

Law declared, binds the People, but is no rule for a Parliament sitting, who are not to walke by a knowne Law. It is answered: *It cannot be imagined that ever the People would be so fottish, as to give such a Power to those whom they choose for their Servants; for this were to givethem a Power to provide for their woe, but not for their weal, which is contrary to their own foregoing Maxime; therefore doubtlesse that man is upon the most solid and firm ground, that hath both the Letter and equity of a known, declared, and unrepealed Law on his side, though his practise doe crosse some pretended Priviledge of Parliament.*

And whereas by an Act made this present Parliament, Anno 17. *Caroli Regis*, intituled,

An Act for Regulating of the *Privie Counsell*, and for taking away the Court, commonly called, *The Star-Chamber*.

It is there declared, That the Proceedings, Censures and Decrees of the Star-Chamber, have by experience been found to be an intollerable burthen to the Subject, and the means to introduce an Arbitrary Power and Government, and that the Councell-Table have adventured to determin of the Estates, and Liberties of the Subject, contrary to the Law of the Land, and the Rights and Priviledges of the Subject. Which Laws are there recited, as first *Magna Carta*, and the 5. Ed. 3. 9. and 25. Ed. 3. 4. and 28. Ed. 3. 3. the last of which saith, That it is accorded, assented, and established, that none shall be taken by Perition, or suggestion made to the King or His Councell, unlesse it be by Indictment, or presentment of good and lawfull people of the same neighbourhood, where such deeds be done; in due manner, or by Procelle made by Writ originall at the Common Law, and that none be put out of his franchise or Freehold, unlesse he be duly brought in, to answer, and fore-judged of the same by the course of the Law; and by another Statute made in the 42. Ed. 3. it is there inacted, That no man be put to answer without presentment before Justices, or matter of Record, or by due Procelle and Writ originall, according to the old Law of the Land.

Therefore for the Subjects good and welfare in future time, it is Inacted, That from henceforth no Court, Councell, or place of Judicative shall be erected, ordained, constituted, or appointed within this Realme of *England*, or dominion of *Wales*, which shall have, use, or

or exercise the same, or the like jurisdiction; as is, or hath been used, practised, or exercised in the said Court of Star-Chamber; that then whosoever shall offend, or doe any thing contrary to the purport, true intent and meaning of this Law, then he or they shall for such offence, forfeit the sum of five hundred pounds of Lawfull money of England, unto any party grieved, his Executors or Administrators, who shall really prosecute the same, and first obtaine judgement thereupon, to be recorded in any Court of Record at *Westminster*, by Action of debt, Bill, Plaint or Information; wherein no Essoine, Protection, wager of Law, aid, Prayer, Priveledge, Injunction, or Order of Restraint shall be in any wayes prayed, granted, or allowed, nor any more then one imparlance, &c. And the *Petition of Right*, which may be said to be more then a bare Law (for it is a Declaration of the equity, true intent and meaning of *Magna Carta*,) and other the good Laws of the Land, which provides for the peoples freedome (and binds all, as well the trusted, as those that trust) as appeares in the Parliaments Prayer to the King, which is, That no Free-man hereafter be used contrary to what is before expressed, &c. which they say is the Rights and liberties of the Free-men of England, unto which the King answeres, *Let Right be done according to the Lawes and Customes of the Realme*; But this Answer admitting still a Dispute what was the true intent and meaning of the *Lawes and Customes* of the Realm.

They Petition the King again to give a more full & satisfactory answer, which he doth, and saith, *Let Right be done, as in the Petition is desired*; and amongst other things there expressed, it is declared to be contrary to law, to imprison a man without cause shewed or expressed, and also that it is contrary to Law, to force a man to answer to Questions concerning himself, or for refusall, to commit him to prison. *So far their own words*: And therefore it were well that both Parliament-Committees, and all County-Committees, and ether Magistrates in this Kingdom would compound with all those honest and Free-men that they have at their own Wills unjustly committed to Prison contrary to the true meaning of this Law, before by the sentence of the Law they be forced to pay 500l. to every man they have so unjustly Imprisoned.

From the equity and letter of which *Lawes*, it is desired that our learned Lawyers would Answer these ensuing **QUERIES**.

1. Whether the Letter and equity of this Law doe not binde the very Parliament themselves, during the time of their sitting, in the like cases here expressed, to the same Rules here laid downe? Which if it should be denied, Then

2. Whether the Parliament it self, when it is sitting, be not bound to the observation of the Letter and equity of this Law, when they have to doe with Free-men, that in all their actions and expressions have declared faithfulnessse to the Common-wealth? And if this be denied; Then

3. Whether ever God made any man law-lesse? Or whether ever the Common-wealth, when they choose the Parliament, gave them a lawlesse unlimited Power, and at their pleasure to walke contrary to their own Laws and Ordinances before they have repealed them?

4. Whether it be according to Law, Justice, or Equity, for the Parliament to Imprison or punish a man for doing what they command him, and by Oath injoyne him?

5. Whether it be legall, just or equall, that when Free-men doe endeavour according to their duty, Oath, and Protestation, to give in Information to the Parliament of Treason acted and done by Sir John Lenthall, against the State and Kingdome, and long since communicated to severall Members of the House of Commons, but by them concealed and smothered; and now by Gods Providence brought upon the stage againe, and during the time that Inquisition is made of it before the Committee of Examination, before any charge be fixed upon Sir John Lenthall, or be required to make any Answer or Defence, that he shall be present to out-face, discourage, and abuse the Informers and Witnesses in the face of the Committee, without any check or controll from them?

And sometimes, while they are sitting about the Examination of his Treason, that he shall sit down beside them with his hat on, as if he were one of them, and that he shall enjoy from the Committee ten times more favour and respect, then the just, honest, and legall Informers against him; who by some of the Committees themselves, while they are sitting, are threatened, jeered, nicknamed, and otherwayes most shamefully abused.

Yea, and the friends of the Informers for the State are kept without doores, and the friends of the accused admitted to come in alwayes without contrall, and during the Examination of the Information, that the Committee shall refuse to remove the Informers out of Sir John Lenthalls custody of Kings-bench, to another Prison, although they have been

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truly informed, that he hath set Instruments on work to murder them, and also importuned to remove them.

6. Whether it be not most agreeable to Law, Justice and Equity, that seeing Sir John Lenthall, having so many friends in the House concerned in the businesse, that he should not rather be tried by the same Council of Warre in London, where Sir John Hotham and his Sonne were, then at the Parliament, his principall crime being against the Law Marshall, as theirs was?

7. Whether to answer to an Indictment, when a man is demanded Guilty or not Guilty, be not a criminall Interrogatory, concerning a mans selfe, and so a man not by law bound to Answer to it, especially seeing to a Consciencious man, who dare not lie, it is a great snare, who if he be indicted of a thing he hath done or spoken, dare not plead, Not Guilty for feare of lying, and if he plead guilty, he shall become a self-destroyer (contrary to the law of Nature, which teacheth a man to preserve, but not destroy himself) in declaring that which peradventure all his Adversaries would never be able to prove against him. And

Whether it be not more suitable and agreeable to the true intent of Magna Carta (expressed in the 28. Chap. thereof) where it is said, No Bailiffe from henceforth shall put any man to his open Law, nor to an Oath upon his owne bare saying, without faithfull Witnesses brought in for the same, and to the true intent and meaning of the Petition of Right, and the Act made this present Parliament for the abolishing the Star-Chamber. &c.

For a free-man to have a charge laid against him, and his Adversaries brought face to face to prove it, and then the Accused to have liberty to make the best defence for himself he can, which was the practise amongst the very Heathen Romans, who had no light but the light of Nature to guide them, Act. 25. 16.

Yea, Christ himself, when his enemies endeavoured to catch him by Interrogatories, he puts them off, without an Answer. Luke 22. 67, 68. 70. Chap. 23. 3.

Yea, when the High Priest asked him about his Disciples, and his Doctrine, He answers, Hee ever taught openly, and therefore saith he, Why aske ye mee? aske them that heard me for they know what I said, John 18. 20, 21.

Hence justly it is conceived, that the Parliament may not condemn that man for contumacious their Authoritie, who refuseth to answer

answer to Interrogatories before them (the supreme Court,) who answereth to Interrogatories in the like case before an interior Court, but you will say, it is the usuall practise of the COMMON-LAW, the Question is, whether that practise be just or no? or whether any Law in practise in the KINGDOME of *England* doth binde the Free-men thereof, but what is made and declared by Common Consent in Parliament? and whether or no is there, or ought there not to be a plaine platforme agreed on, and laid down by the Parliament concerning things of so high consequence to all the Commons of *England*? and seeing the Parliament hath taken care that the Bible shall be in English, that so *Lay-men* (as they call them) may read it as well as the Clergy, ought they not also to be as carefull, that all the binding Lawes in *England* be in English likewise, that is every Free-man may read it as well as Lawyers (seeing they have *Lives, Liberties* and *Estates* as well as the other) and peaceably enjoy them no longer then they continue in the observation of the *Laws* of this Kingdom; whereof they are Members: and seeing the Lawyers are so full of broyles and contentions, and grow so rich and great thereby; have not the people cause to beleieve they drive on an Interest of their owne, destructive to the Peoples well-fare; yea juggle, and put false glosses upon the Law (meerly) for their own ends: Seeing so great a part of it is in an unknown tongue, (which the Commons call *Pedlers-french*, or *Heathen-Greeke*;) even as our State Clergy did in the daies of old; before the Scripture was tollerated to be in English, in which dayes they could easily make the poor people beleieve the Poores unwritten verities were as binding as Scripture Rules, which the *Lawyers* have given the Commons just cause to fear, is their present practise with law Cases; many of which are besides the Rule of the Statute-law, and also against Justice, Equity and Conscience, tending to no other end, but to inflave the People?

8. *Whether it be not just and equall, that seeing Monopolisers were thrown out of the House about Foure yeeres agoe, as infringers upon the Common right of all the free-men of England, in setting up Patents of Soape, Salt, Lether, &c. why should not those be partakers of the same justice now, that have been chief sticklers in setting up greater Patentes then ever the former were?*

As first the Patent of ingrossing the Preaching of the Word only
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to such men as weare Black and rough garments to deceive; *Zech. 13. 4.* and have had a Canonickall Ordination from the Bishops, and so from the Pope, and consequently from the Divell, although the Spirit of God doth command every man that hath received a gift, *to minister the same one to another, as good Stewards of the manifold grace of God, 1 Pet. 4. 10, 11.*

And although ignorance and blindnesse be so universall all over the Kingdome, experience teaching, that where that most abounds they draw their swords soonest against the Parliament and Common-wealth (and so consequently against themselves, and continue the longest in their Rebellion, as now wee have woefull experience, yet these grand Monopolizers will neither goe amongst them themselves, nor suffer others without severe punishment to instruct and teach them the Principles of Christianity, or Morallity, by means of which they become destroyers and murderers of soules and bodies, and enemies to the very Civill societies of Mankind.

The second Monopoly is the Patent of *Merchant Adventurers*, who have ingrossed into their hands the sole trade of all woollen Commodities that are to be sent into the *Netherlands*, the mischiefousnesse you may at large read in a late discourse consisting of motives for the enlargement and freedome of trade, especially that of Cloath, & other woollen manufactures ingrossed at present contrary to the law of Nature, the law of Nations, and the lawes of this Kingdome, by a company of private men, who stile themselves *Merchant Adventurers*, the first part of which Discourse (the second being not yet come out) are to be sold by *Stephen Bowtell* in *Popes-head-alley*. Wool being the stapell Commoditie of the Kingdome, and free by the lawes and Constitutions of the land, for all the Free-men of *England* to trade in. *12. H. 6. 6.* and *21. 13.* the enjoyment of which is so essentiall a Priviledge to all the Commons of *England*, that whosoever gives it from them, and by any pretended Patent or Authority whatsoever, assumes it to themselves, are culpable of the greatest of punishments whatsoever, as those that are guilty of Robbing the Free men of *England*, of their birth-right and Inheritance, and yet the present *Farmers of the Custome House*, and their Associates are guilty of this capital crime, for if *Naboth* would not part with his Vineyard (which was his Inheritance) to the King, although he would have given him as much money as it

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was worth, or a better for it, 1 King. 21. 2. there is no reason why the free men of England should have so great a part of their *Birth-right*, as this is, taken from them by force and violence, whether they will or no, as their multitude of Petitions to the Parliament yet unanswered, doe declare.

The third *Monopoly*, is that insufferable, unjust and tyrannical Monopoly of Printing, whereby a great company of the very same Malignant fellows that *Canterbury* and his Malignant party engaged in their Arbitrary *Designes*, against both the Peoples and *Parliaments* just Priviledges (who turning with every winde, doe endeavour by all possible means, as well now as then, to sell and betray the Kingdome for their own gaine,) are invested with an Arbitrary unlimitted Power, even by a generall Ordinance of Parliament, to print, divulge and disperse whatsoever Books, Pamphlets and Libells they please, though they be full of Lyes, and tend to the poisoning of the Kingdom with unjust and Tyrannicall Principles.

And not only so, but most violently (even now in Parliament time, which should be like a cryed *Faire*, and each one free to make the best use of their *Ware*, both for the publick, and their own private good) to suppress every thing which hath any true Declaration of the just Rights and Liberties of the free-borne people of this Nation, and to brand and traduce all such Writers and Writings with the odious termes of Sedition, Conspiracie and Treason, but to countenance and authorize such as shall calumniate them, and so both accept & reward such men far better then their most faithfull servants and best advancers, just as the Bishops formerly did against both the *Scots*, and the Parliament themselves.

They doe not rest here neither, but are yet further authorized with a generall Ordinance of this very Parliament, contrary to all law, justice, equity and reason, under pretence of searching for scandalous Books, to call numbers of deboysh men with Smiths and Constables, yea and the trained Bands also (when they please) to assist them, and in most bold and tumultuous manner to break open and rife, even the Parliaments owne (in all their greatest dangers, troubles & distresses) most faithfull friends Houses, Chests, Trunks and Drawers; and from thence to rob, steale, and feloniously to carry away such of the Possessors proper goods, choice Linnens, and best things, as they please, as well as Books new and old, after they have

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have put the owners themselves out of doores, and commanded Constables to carry them before a Committee, and from thence to Prison.

Where they may without any consideration rott, if they will not either betray both a good Cause, and some other of the Parliaments best friends, when they had few others, or else submit to their unjust lawes; besides, it is a common thing for such lawlesse men to breake in, and search honest mens shops, when neither the owners nor any of theirs are present to see what businesse they have there.

And yet as unjustly as all the rest, they doe not onely allow the weekly printing, divulging and dispersing of *Oxford Aulicus*, and other Malignant Books and Pamphlets, tending to the ruine both of the Kingdome and Parliaments Priviledges, but likewise the sending of Printing materials to the King, whereby to Print down both Power of Parliament, and freedom of People.

All which unjust dealings doe come to passe also with the privy of the Masters and Wardens of the *Stationers Company*, as was openly proved to their faces at their publick Hall; who therefore like wise men perceiving the Plague as farre off, would not goe on still and be punished, but most cunningly, both to hide themselves, and their treachery against the well-affected party, and divide their spoile, so unjustly obtained by lying in waite for blood, they have now procured by this their good service to the Parliament (as they did to the Bishops) the forme or power of a *Stationer-Committee* in *London* among themselves, that they may henceforth without either Censure or Resistance of *Higher Powers*, both absolve the wicked, and condemne the just, and so doe whatsoever they list.

The next *Monopoly*, it is to be feared will be upon *Bread and Beere*, for as justly may there be a Monopoly upon them, as upon the former.

Oh *Englishmen*! Where is your freedoms? and what is become of your *Liberties* and *Priviledges* that you have been fighting for all this while, to the large expence of your *Bloods* and *Estates*, which was hoped would have procured your *liberties* and *freedomes*? but rather, as some great ones Order it, ties you faster in bondage and slavery, then before; therefore look about you betimes, before it be too late, and give not occasion to your Children yet unborn to

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cursè you, for making them slaves by your covetousnesse, cowardly basenesse, and faint-heartednesse; therefore up as one man, and in a just and legall way call those to account, that endeavour to destroy you, and betray your Liberties and Freedomes.

9 *Whether it be not more agreeable to Equitie, Law, Justice, and Conscience, that the badge of a Malignant, or a man incapable of bearing Office in the Common-wealth, or being chosen to sit in Parliament, as one to make Laws, should not rather be, for being disaffected to common Freedome, and having either in purse or person declared his disaffection thereunto, in any ways assisting the Common enemy, who hath drawne his sword, to destroy the freedome of the Common-wealth, which by the Law of this Land is granted unto the Free-People thereof, (by means of which all such have disfranchised themselves) then for refusing out of Conscience to take the Nationall Covenant?*

Which was first ordained to beget Unity between the Nations, but as sad experience teacheth, in its effects produceth nothing lesse amongst us, setting us at as bitter a Warre and contestation amongst our selves, (almost as wee have with our professed enemies) who before this unhappy make-baite came amongst us, were knit together in love and affection as one man against the common enemies of our Liberties, Peace and safety, and had no upbraiding one another with being a *Covenanter*, or an *Anti-Covenanter*, which breeds constant heart-burnings amongst us, and which if it be not by some wise, moderate and discreet means prevented, is likely to burst out into a dangerous flame in the midst of us, so that our being knit faster to God, and each to other by a band of Unity, is hereby frustrated.

Secondly, the Preamble of the *Covenant* it selfe saith, that the taking of it is not the chiefe part of it, but the keeping of it, the benefits of it being sure and stedfast to us, when wee are sure and stedfast in the Observation of the things Covenanted: so that if there be not the Observation of them, the ends and intencion of it is voide and frustrate; but it is observed that many of those that authorised it, and first took it, within a little after, runne both out of the House of Peeres and Commons to the King to *Oxford*, and drew their swords against it, to destroy it, and so became wilfully perjured, and the most part of the rest that still remaine, have been very active

active in setting up things quite contrary to the true and declared intent and meaning of the *Covenant*.

As first, it tyes all those that take it without respect of persons, to endeavour the extirpation of Popery, but contrary hereunto, there is an Ordinance lately made for the strict payment of *Tythes*, to the *Clergy*, for their maintenance, although it be one of the greatest branches of *Popery* that ever was established in *Rome*, the taking away of which in any place where *Popery* is professed, is a more direct way to root up *Popery*, then the taking away all things else professed by the *Papists*, for the *Clergy* are such greedy dogges, as the Prophet calls them, that they can never have enough, *being shepherds that cannot understand, seeing they all look to their owne way, every one for his gaine*, *Esai. 56. 10, 11.* that they will be of any Religion where riches or profit is to be had, and will be sure to avoide and hate that Religion that brings in no profit to fill and cram their fat guts, *who bite with their teeth, and prepare warre for those that putteth not into their moutbes.* *Micah. 3. 5.* Besides, *Tythes* is a Jewish Ceremony abolished, as all the rest by the death of Christ upon the Crosse, *Heb. 7. 5. 12. 28. & 8. 5. & 9. 9. 15. 26. 28.* the establishing of which againe, is the denying of *CHRIST'S* death, and a setting up of *Moses* and the Ceremoniall law: for as the Apostle saith, *Gal. 5. 3. For I testifie againe to every man that is Circumcised, that hee is a debter to doe the whole law*, yea saith he, *Christ is become of none effect to such a man*, so say I, Hee that compells you to pay *Tythes*, compells you to keep the whole law, which whosoever goes about to doe, is fallen from Grace. *Gal. 5. 4.* Again, the paynment of *Tythes* is an unjust and unequall thing in a Civill sense, for that the Priests who are not one for a thousand of the rest of the Inhabitants in the Kingdome should have the tenth part, yea, or rather the seventh part of all things a man hath (saving his Children) considering that they never labour for it with their hands, nor earne it with the sweat of their browes, nor bestow any kind of Charges, is the most unjust thing in the world, and so intollerable oppressing a burthen, that the *Free-people* of *England* are not able to beare it, as the Petitions presented by divers persons already to the House, and those many Petitions that are in agitation both in the City of *London*, and many Shires in the Country doe and will fully declare.

A second thing sworne to in the *Covenant*, as other branches of

Popery is, to root out and extirpate Prelacy (as there it is expressed, Church-Government by Archbishops, Bishops, their Chancellors and Commissaries, Deanes, sub-Deanes and Chapters, Archdeacons, and all other Ecclesiasticall Officers depending on that Hierarchy,) and yet the same men have established the Bishop's Priests, and servants, who have no other calling in the world whereby to stand, but what they had from them, as both the Ordinance and the Priests themselves confesse, and yet by vertue of this Papall, Prelaticall Call, they In-stitute and ordaine a Generation of Antichristian Officers, to fill the Kingdome (contrary to the Covenant) as full of Popery and Popish Officers, as ever it was in the Bishops dayes : the drivers on of which designe (if they have taken the Covenant,) are every man of them perjured.

But you will say though the Parliament and Priests acknowledge the Bishops to be Antichristian, yet the present Priests say, they were not ordained by them as Bishops, but as Presbyters, who had their Calling from the Pope, not as a Pope, but as a Presbyter.

To which I Answer, the Devill was an Angel of Light, but is now a Devill; the question is, Whether now hee doth those actions that he doth as an Angel of Light, or as a Devill? Even so, (admit for Disputations sake only it should be granted,) the Pope was once a Presbyter, but is now a Pope, Antichrist, the man of sinne, and sonne of Perdition, as is confessed by the Priests themselves, The Question therefore to them is, whether the Pope doth the actions that he doth as a Presbyter, or as the grand Antichrist the Pope; againe, the Bishops, as they themselves confesse, are Antichristian, and as Antichristian hath petitioned against them to this very Parliament, that so they might be extirpated root and branch.

The Question now to the Priests is, Whether the Bishops did those actions that they did after they were made Bishops, as Antichristian Bishop, or as JESUS CHRIST'S Presbyters? and if they were Antichristian, then surely those that are made by them are the same, and not in the least degree any better, for the Apostle saith, Heb. 7. 7. without all contradiction, the lesse is blessed of the greater, therefore for these men to say, they are better then those that made them, is a meer ridiculous foppery; Christ himselfe telling all such men, they are very fooles, Matth. 23. 16, 17, 18, &c. where in the like case

case hee saith unto the Scribes and Pharisees; Woe unto you blinde guides, which say, Whosoever shall sweare by the Temple, it is nothing, but whosoever shall sweare by the gold of the Temple, he is a debtor. Ye fooles and blind: For whether is greater, the gold, or the Temple that sanctifieth the gold? and whosoever shall sweare by the Altar, it is nothing, but whosoever sweareth by the gift that is upon it, hee is guilty. Ye fooles and blind: for whether is greater, the gift, or the Altar that sanctifieth the Gift. Whosoever therefore shall sweare by the Altar, sweareth by it, and by all things thereon: and who shall sweare by the Temple, sweareth by it, and by him that dwelleth therein: read likewise the 1 Cor. 10. 17. Hosea. 9. 4.

From all which places, to my understanding, it cleerly appeares, that no man whatsoever can be instated into any Office whatsoever by an Antichristian Power, but his Function is as Antichristian as his that made him, for as James saith, chap. 3. 1. Doth a fountaine send forth at the same place sweet water, and bitter? therefore in the words of the Prophet Esai. chap. 5. 20. I say, woe unto them that call evil good, that put darknesse for light, and light for darknesse, that put bitter for sweet, and sweet for bitter.

But if this be not enough to prove them Antichristian, but that yet they think the stream of Presbyterian imposition of hands is run so cleer from the Apostles to the Pope, and from the Pope to the Bishops, and from the Bishops to them, I would faine know of them how they will be able to prove, that it purely came through the hands of Pope JOANE; or where they will ever finde in the New Testament, that ever a woman in their sense was a Presbyter, or ever laid her hands upon other Presbyters, to ordaine them.

Thirdly, How they will be able to prove their succession to come truly to them, seeing there hath been sometimes two Popes at once, and sometimes three, and each excommunicating the other as false, how they will be able infalibly to make it appeare, that their Ordination came from the true Pope, and not from the false? Or how out of the New-Testament they will ever be able to prove, that a Bishop, Pastor or Teacher, did ever lay his hands to ordaine another Bishop, Pastor, or Teacher? and till they be able satisfactorily to answer to all these Queries, I shall account them as Antichristian as the Bishops, and as papisticall as the Pope himself, and every man a perjured man that hath taken the Covenant, that doth not earnestly

ly endeavour to extirpate and root them out, their power and Interest being so destructive to the Peace, Safety and Freedom of a Nation, as all ages, times and places doe fully declare where they have had footing; and this their *Parliaments* owne Declaration, made the Fifteenth day of *December*, 1642, doth clearly hold out, which is worth every true-hearted *English-mans* serious perusall and Observation.

In the third place, they sweare to preserve the Liberties of the Kingdome, and yet commit men to prison for standing for them, witnesse Lieutenant Colonell *Lilburnes* lying in *New-gate*, committed, originally no man knowes wherefore; and those that were the Authors of his imprisonment, are ashamed to this day, to tell him for what cause they have committed him: And because they would faine pick a hole in his coat, they not onely keep his estate from him, but as if they intended to destroy him without remedy, doe commit him to prison, which action indeed tendeth to his utter ruine, and then lay all the Provocations and aspersions upon him, which they can devise against him in his Imprisonment, because they had none before.

And then at their last pinch, examine him upon Interrogatories at the Committee of Examinations, concerning himself, (just *High-Commission* and *Star-Chamber-like*;) and because he stands upon his right, and the law of the Land will not answer, they turne him over to *New-gate* amongst Roagues and Cut-purses, there to brand him with infamie as much as in them lyeth, that so it shall never be taken off from him as long as he lives, and then so make Orders to arraigne him at *New-gate* Sessions, if they can devise a crime, and get Lawyers to plead against him, before they have done him one bit of justice in helping him to the moneys they owe him.

O *English men*, what doe you think of the makers, and first takers of this Covenant, are they perjured yea or no? are you able to discern the benefit of forced Covenants, are they not like forced Religion?

In the fourth place, they sweare faithfully, To discover all such as have been, or shall be Incendiaries, Malignants, or evill Instruments against the publick good, and what mischief they are not able in their own persons to suppress or overcome, that they shall reveale or make knowne, that it may be timely prevented or remedied; all which they sweare to doe, as in the sight of G O D.

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And yet notwithstanding, although Lieutenant Generall *Cromwell*, according to his duty long since, revealed the Earl of *Manchesters* treachery and baseness at *Dennington* Castle, and other places, and proved it punctually by unquestionable witnesses before a Committee of the House of Commons, and before hee could perfect his charge, he was sent upon an unhopefull designe with Sir *William Waller* to relieve *Taunton* with Horse, although it be an exceeding close inclosed Country, where a hundred foot may deale with a thousand horse.

And when he came back to *Windsor*, he was posted away *Unlikely*, by speciall command, with his owne Regiment of Horse, to lie betwixt *Oxford* and *Worcester*, (in the very roade way of destruction, had not the Noble Generall (by GODS Providence) exceedingly streightned his party) and after that hee is posted from place to place, and never suffered to come to the Parliament since, whereby *Manchesters* treason lies, as it were hid, although it be more fully proved (as some of that House have since confessed) then ever *Strasfords* was; and yet he is suffered to act in all the great designs of the Kingdome, unto this present.

2. Master *Mussenden* and Mr. *Wolley*, and divers others (Gentlemen of quallity) of the Committee of *Lincolne*, in *August*, 1644. exhibited Articles of *High-Treason*, and other hainous misdemeanors against Colonell *Edward King*, to the House of Commons: which Articles they have since Printed and published to the view of the World; yet can they not to this day get any hearing of them, that so they may prove against him what they accuse him of, howbeit, although in their Fourth and Twelfth Article, they accuse him of plaine *High-Treason*, their owne words are as followeth: As

Article 4. When hee (the said Colonell King) was before *Newarke*, he sent for a Captaine, who kept *Crowland*, who obeyed his command, yet sent word to him of the danger that Towne was in, and therefore desired his second pleasure, which was, That he should march; who accordingly did; the Gentlemen of the Country fearing the enemy, procured Major *Ireton* to send a 100. *Masketiers* to keep *Crowland*, which hee hearing of, took ill, that without Order from him, any should come into his liberties, and commanded them to be gone, who accordingly departed; the enemy presently surprised the Towne, and those few that he had left in it, by which means he betrayed the Towne unto the enemy, which was not

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regained without much charge, hazard, and losse of many mens lives.

Article the 12. That when the Enemy took Grantham, they being beaten from one part of the Town, wheeled about, to fall upon the other side, at a place called Spittle-gate, which Major Savill (being then Major of the Towne) perceiving, commanded Colonell King (being then Captaine of a Company there) to march with his Company to defend that place, Colonell King answered, That he scorned to be commanded by him, and rather then he would be commanded by him, he would take his company, and let the enemy into the Towne, and he delayed so long before hee would goe, that the enemy was entred at the said Port before hee came thither, by which means he betrayed that Towne also.

3. John Musgrave Gentleman, hath complained to the Commons in this present Parliament against Richard Barwis Esq. Burgesse for Carlile, and a Member now sitting in the House of Commons, and lately one of the Commissioners of Parliament for both Kingdomes, that at his being at Edenborough, he held correspondence with the Commissioners of Array, both for Westmerland and Cumberland, and in his Twentieth Article againit him, he saith, That when the said Richard Barwis was at Sunderland, hee had Intercourse by Letters with the chief Delinquents in Cumberland, which were, especially Baronet Graham, Baronet Musgrave, Baronet Curwen, and Sir Willfrede Lawson; and that the said Mr. Barwis Estate was protected by means of some of the foresaid Knights, during the time the King had the Command of the North, and that Mr. Barwis was an Instrument in getting men nominated to be Committee-men for the Parliament, while they were in actuall Rebellion against the Parliament and Kingdome, and hath been an instrument in getting the Command of both the foresaid Counties into the hands of those that actuall have been in Armes, and committed treason against the Common-wealth, who abuse the honest well-affected to the Parliament there, as much as ever they were while the King had the Command of them: and though complaint hath been made of all this to many of the House of Commons, and much more by Mr. Musgrave, and his partner, who are sent up to the Parliament from the Country (as Commissioners for that purpose) yet they cannot be heard or finde any Justice against Mr. Barwis, and the other Delinquents, by means whereof, both the Counties are in danger shortly to be lost and destroyed.

4. Some Gentlemen of the Bishopricke of *Durham*, long since complained to divers Parliament men of old Sir *Henry Vane* willfull loosing and betraying their Country, being there Lord Lieutenant, but by reason of his greatnesse could never be heard, yet in regard the substance of his charge is come into my hands, from the hands of a Gentlemen of that Country now in *London*: I have inserted it here, that you may read it as followeth: only with this caution, that seeing in the Copy I took it out of; there were some interlynings at the latter end thereof, that if a word should be displaced, you would not therefore throw aside all the rest of it, for I dare pawne my life, the substance of it will be proved.

The *Militia* of the County of *Durham* was intrusted with Sir *Henry Vane* the elder, to whom some Gentlemen of the Country repaired, and desired his care therein, which he omitting, the Earle of *Newcastle* in *August*, 1642. taking advantage thereof, came into the County of *Durham*, and to the Towne of *Newcastle* upon *Tyne*, with divers Captaines, Commanders, not exceeding the number of 100. men, to raise forces against the Parliament, and by *Michaelmas* after, he increased to 500. or 600. men at the most, and Sir *Henry Vane* having Armes of his owne in his House at *Raby Castle*, sufficient to arme 100. men, those Armes were carried by his two principall servants, *William Conyers*, a Popish Recusant, and *Henry Dingley* his soliciter in his Law affaires, to the Towne of *Newcastle*, where they were delivered to one appointed by the Earle of *Newcastle*, to receive them, and *Conyers* and *Dingley* received a note for the receipt of those armes.

All which being publicly known in the Country, the people were much disheartned, and for that the party intrusted with the *Militia*, had furnished the enemy as aforesaid, many were forced to take up Armes under the command of the Earle of *Newcastle*, divers for feare fled out of the Country, and others of them, who staid longer, were taken and imprisoned: and shortly after, the Earles Army increased to the number of 5000. and upwards, as it was commonly reputed, there being 39. Colours of foot, and 25 Troops of Horse, or neere thereabouts; and the well-affected plundered in their Estates to their utter impoverishment.

Our humble desire is, That no man that hath taken up Armes, and
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served, or been active in this unnaturall Warre, against the Parliament, or are Delinquents, or willingly contributed thereunto, be put into Commission, or imployment, or Administration of Justice, untill the well-affected of the Country be heard concerning their offences, and misdemeanours, and the same be determined of in the Parliament, &c.

This Information was presented to the Right Honourable the Earle of Essex, in February, 1643. by Richard Lilburne, and his brother George Lilburne, in the presence of Edward Wright, Nicholas Heath, John Ewbanke, and Michael Dawson, all of the County of Durham.

¶ The Copies of Colonell THO. MIDFORDS Certificate, with others, given under their hands.

THat about July, 1642. Thomas Midford and George Lilburne went on purpose to the House of Sir Henry Vane the elder, neere Charing-Crosse, and there acquainted him of the frequent meetings of the Papists and their adherents, in the County of Durham, and that they did not onely gather together most of the prime Horses of the said County, but did exercise them in Armes, and trained the said Horse, to the discouragement of all the true-hearted Protestants of the said County: And that the Sea-ports of the said County were fit to be taken care of, which the said Sir Henry Vane promised to take timely care of, making shew that hee intended shortly to goe downe into the said County: In the meane time, desired the said George Lilburne, and the said Thomas Midford to goe to the Deputy Lieutenants, and acquaint them with the aforesaid Information, and to tell them from him, that he could not then write to them concerning the same, but bid them take care thereof, till he gave further Order.

The said Thomas Midford, about the end of the said moneth, coming into the said County, went to Durham, and did acquaint Sir William Darcie, being then high Sheriffe of the said County, Sir John Conyers and others at John Halls House in Durham, of the same, who returned the said Midford no other answer, but well, well, and seemed to make no great matter thereof.

18 June, 1645.

Tho. Midford.
In

In the yere 1643, *Nicolas Heath* of *Little-Eden* in the County of *Durham* Esq. came to *Sir Hen. Vane senior* in *Westminster-Hall*, and told him that the County was in a very sad Condition, and the Inhabitants utterly undone, unlesse there were some present course taken for preventing of raising the forces which were then a gathering; but *Sir Henry Vane*s Answer was, *That he nere thought otherwise.*

18 June, 1645.

NIC. HEATH.

Mr. Henry Dingly died in *Jan. 1644.* at *Charing-Crosse*, and lodged neer *Sir Henry Vane*s Houle, testis *John Marr*, Esq. Clarke of the Kitching to the Prince.

Mr. William Conyers, Steward of his Land, hath continued his service likewise, and lived in *Raby Castle*, ever since the carrying of the Armes from the said Castle to *Newcastle upon Tyne*, till within these Foure monerhs last past, Testis, *Mr. George Lilburne*, and Col. *Rob. Lilburne*, his Nephew. *June 2. 1645.*

5. When Alderman *Gurney* was Lord Major of *London*, the Citizens complained to the Parliament of him and others of his Brethren, and also of the Recorder *Gardner*, those that prosecuted the Cities busines, was principally Alderman *Folkes*, and Alderman *Gibbs*, that Monopoliser, and *Mr. Gline* now Recorder, sate in the Chaire of that Committee, but as soon as they had justified out those, they complained of, and set themselves downe in their places or Saddles, rode and spurr'd the poor Commons of *London* as hard as ever the former did, and troad in *Sirafford's* pathes of Arbitrary Government, as much as the former, and the People sigh, groane, and cry out of their unjust bondage by the Lord Major present, Recorder and Court of Aldermen, and the Parliament look upon them with a slighting eye, and afford them no helpe, though the Commons of *London* have been chief Instruments under GOD of saving their Lives, Liberties, and Estates, howbeit now they goe about to make them slaves for their paines; it were well therefore the Commons of *London* would aske their Foure Burgeses, if they did not send them to sit in Parliament, to preserve and defend their Liberties, and if they finde they have not performed their trust, then to desire to choose Foure more Faithfull, Carefull and stouter in their places, and that the Commons of *London* are sensible of their being rob'd of their Freedomes by the aforesaid parties

ties, the Petition of divers of them presented to the whole Common Councell, sitting in *Guild-hall* in *Aprill* last, and since printed, doth fully declare; whereof a true Copy here followeth.

To the Right Honourable,

The LORD MAJOR, and the Right Worshipfull, the Aldermen, and Common-Councell of the City of LONDON;

In Common Councell Assembled.

The humble Petition of divers Citizens of this Honourable City.

SHEWING,

THAT the afflictions and sorrows of our hearts are unexpressible, in regard of the manifold miseries that are upon us, and thousands of our dear Brethren, and fellow Citizens complaints being generall, and very grievous. As amongst many other;

I. *That the Poore is in great necessity, wanting wherewith to set themselves on worke, their Children uneducated, and thereby prepared to wickednesse and beggery.*

II. *That Trading is exceedingly decayed, whereby thousands that have lived in a free and plentifull way, are many fallen, and are more falling into great extremity.*

III. *That Assesments are made very unequal, whereby the Taxes laid upon the City, are made burthensome, and paid with much repining.*

IV. *That the Forces of the Citie are very much abated, and that the Citie is not in a Posture of Warre answerable to its greatnesse, or its danger.*

And though there hath not been wanting continuall endeavours of judicious charitable persons to prescribe remedies for those grievances, yet our miseries are such, that we are in effect debarred from opening our griefes, or proposing our remedies to any that hath power to help us.

For if wee motion our going to the Parliament immediately (as was

was usuall and succesfull in former times your mouthes are presently stopt with this prejudiciall rumour. *That the Parliament will not receive any Petition from the Citizens, but by the Common-Councell;* whereupon few or none will move in that way, though there be never so urgent necessities.

If wee propose to goe through the *Common-Councell*, sad experience hath proved it so difficult to obtaine a Common-Councell, that men are weary in pursuance thereof. The Lord Major and Aldermen challenging to themselves Prerogative of calling Common Councells onely when they see cause, also that nothing shall be debated, but what hath been first presented to the Court of Aldermen, and that after debate, the Lord Major hath a negative voice or power to Null or frustrate all that hath been debated by refusing to put to Vote, or by dissolving the Court at his pleasure. By which Prerogative Rules, if the Lord Major will not, or cannot preserve the Citizens from miseries and destruction, Will not heare our Complaints, nor be sensible of our necessities, The whole power of the chosen Common-Councell men, may not interpose, or use any meanes for our preservation and relief. Wee willingly give all due honour to the Lord Major and Aldermen in reference to their particular Offices. But that the safety and well-being of so great a People should depend upon the understanding and affections of so few, and that the whole City must be without a just means to preserve themselves, or to remedy things that are any wayes amisse, except the Lord Major and Aldermen will assent, And that those whom the People yearly choose, and principally intrust, should be made uselesse at their pleasure. And themselves estated with such a power, that no Authority in the City can call them to an account in cases of mis-government, is so perniciously obstructive and intollerable, as is not to be pleaded, but *to the enslaving of the People.*

Whereas of Right, the People of the City are a free People, and are not to be bound or concluded. but by their own consents, or by the major part of those they yearly choose to give their consents in common and free Councell, who are Commonners chosen from amongst themselves, with reference to their Consciences, and good affections. In whom the concluding law-making power of the City justly is. It being destructive and improper that it should be

be estated in two distinct jurisdictions. And therefore, since wee have none to open our griefes unto, but unto you, And that it is thought convenient, that wee should apply our selves to this Court in whatsoever we desire to present unto the Parliament.

Wee most earnestly intreat you to shake off all pretences of Pre-rogatives, by which (and the like) the Citie and Common-wealth have been most grossely inflaved, and that you will reduce your selves into so proper and just a method of proceeding, as may stand with the condition of a free people, and conduce to the remedying of all grievances, and removall of all our afflictions.

Unto which end we humbly propose to your grave consideration, as followeth.

I. That you will be pleased to Order a Court of Common Councell once every week to meet without warning upon a certaine day, and expresse houre, and to publish the same, that all the Inhabitants of the City may be informed thereof.

II. That you will also publish your readinesse to receive all Informations and Petitions from any of the Inhabitants, there having been many most necessary and usefull things stifled for want of encouragement in this kind.

III. That you will resolve within your selves, to maintaine the Essence and freedome of your Court, As namely,

To take into your Considerations, and freely to debate whatsoever the present or greater part shall thinke meet and necessary. To Vote and conclude whatsoever to the major part shall seem good: To continue the present Session or Court, as the present occasions shall require, To adjourne to what day and time shall by the greater part be thought convenient over and besides the set weekly Court, without which, and the due Observations of all reasonable Orders, as by your wisdom shall be provided, you will appeare to every judicious understanding, but as a meer shadow of Power, and no wayes helpfull. And therefore,

IV. That you will be pleased to make a perpetuall standing Order, or Law, that whatsoever Person or Persons shall from henceforth by secret or open meanes endeavour to deprive the Court of Common-Councell of the foresaid Rights, Freedoms or Priviledges (in the vindicating whereof some members of this Court then Commers exprest much zeale against that obstinate Lord Major Gurney, and his perverse Associates)
shall

shall be instantly disfranchised, and otherwise punished, as shall seem
to the Justice of this Court.

These wee most earnestly intreate may be speedily established, as
being the only meanes to incourage your Petitioners, and all
other well-affected People, to study and present you with such
materialls as may happily tend to give a speedy end to all our
miseries.

And wee shall ever pray, &c.

*This Petition was delivered the 15. of April, 1645. to the Common-
Councell of London, sitting at Guild-hall.*

6. Sir *John Lenthall* having acted and done many things of extraordinary prejudice against the State, one Captaine *Cob*, a sea-Captaine, and then Prisoner in the hands of Sir *John Lenthall*, out of duty and affection to the well-fare of the Publique, informed by a Letter the *Speaker* of the House of Commons of it, and sent his Letter by the hands of one Mrs *Jencks*, who faithfully delivered it to him, and by her importunity to some that belonged to the said *Speaker* for an Answer to it, the said Captaine *Cob* was brought out of Prison to the House of Commons door, as he thought to justify the said Letter, who had brought along with him three or foure Witnesses, to prove all the particulars mentioned in the said Letter.

But the *Speaker*, contrary to his duty, never caused him to be called in, but only sent him out word, that he should goe home againe, and he would shortly come over to his brother Sir *Johns* House, and speak with him there, who accordingly did, but would admit none to be present to heare what passed amongst them there; yet *Cob*, as soone as he came into the Prison amongst his fellows, gave unto them a true Relation, upon his Reputation, of what passed amongst them, which as they averre, was to this effect; as soon as he came up, said the *Speaker*, Sir doe you know me, yes sir, saith *Cob*, I know you to be *Speaker* of the House of Commons, which was the reason I writ to you, judging you the fittest man to bring to light so great a businesse of importance, as I have to make known to you, for the good of the State and Kingdome, then the *Speaker* shewed him his

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Letter, and asked him if he would justifie it, and he told him, yes, and a great deale more, if he would doe his duty, in making it truly knowne to the Honourable House of Commons.

The *Speaker* turning himself to his Brother, said, Sir *John*, if this be true, heare is enough to hang you, well Sir, saith Sir *John*; where-as he chargeth me of letting *Violet* goe twise to *Oxford*, during the time that hee and Sir *Bassell Brooke* were contriving their Plot against the City; you know I never let him goe but once, and then I had your warrant for it; well, well, said the *Speaker*, Captaine *Cob*, I see you are an honest man, and much wronged by your adversaries, but shake hands and be friends with Sir *John*, and I will get you your Liberty, so they parted.

But Captaine *Cob*. perceiving the *Speaker* did nothing in it, but indeavoured to smother it, sent a true Copy of his Letters, that he had sent to the *Speaker*, to Mr. *William Pendry* of *London*, with *Ellen Thomas*, her information about the threescore thousand pounds of Sir *Bassel Brookes*, that then was in Sir *Johns* hands, which Letter and Information the said *Pendry* communicated to two Knights that are members of the Committee of both Kingdomes, who took no more care then the *Speaker* to have it brought to light, nor the 60000^l. attached, and now it is upon the stage, before the Committee of Examination, the Chaireman of which, *Justice Whitaker*, with Mr. *Knightly* and Sir *Robert Pye*, who is desired to remember a Letter that was going to Don *Cottingham* &c. have not dealt fairly in the businesse, as both the Informers, and some of the 6. Citizens that were permitted into the Committee, to see to the managing of the businesse doe declare.

And therefore assuredly, if so foule and hainous a businesse as this is, be smothered up againe, I am very confidently perswaded, some one or other will publish all the particulars of it (ere long) in print, to the view of all the Commons of *England*, that so they may see and judge how they are juggled with, by some of those they have reposed their greatest trust in, although Sir *Jo. Lentball*, and the *Speaker* have (as it may justly be supposed) set Dr. *Bastwick* at worke to publish to the view of the world the innocency of the parties accused, saying in the 8. page of his late book against Mr. *Lilburne*, that there is nothing made good against them, so much as with a seeming probabilitie, much lesse proved, and so busy and earnest is the

the said *Bastwick* to defend their rotten Reputations, and their wicked and unjust dealings towards the State and Kingdome, that he thinks with his lies and base and sordid language, to salve up their credits, and to baffle and juttle the just and honest prosecutors out of their just wayes and pathes they tread in, to doe the Kingdome faithfull service in bringing treason to light.

Yea, so bold and impudent is hee, being back'd by their Authority and Interest, that rather then truth shall come to light, and their wickednesse be discovered, he will lay such a blot upon the *Parliament*, that will render them ridiculous to all that seriously read his Book, and consider that the Parliaments owne Authority hath licenced him to call them Ninneys and Grols.

For saith he in the last page of his Book, *For as there is no family, though never so honest, that hath not a Whore or a Knave of their kindred, so it is impossible in such a great Counsell as the Parliament is, but they should have some Ninnyes and Groles, and men that have no more wit, then will reach from their nose to their mouth*: It were well *Dr. Bastwick* would doe the Common wealth that service, as to name those men, that so some men may begge them for fooles, to take upon them so high a calling, as to be Law-makers to so great and knowing a People, as *England* is, and to have so little wit in them.

Surely this Parliament will be contemptuous, not onely to their foes, but also to their freinds, and will never shake off this blot while they sit, unlesse they call him to an account, and make him name whom he meanes, and punish that Licencer that durst be so bold, to let such a book be published *cum privilegio*, to the dishonour of the very Parliament it selfe, surely Sir *John* and his Brother the Speaker have feed *Bastwick* well, and are not very sound, that they put him (their pack-horse) upon such desperate courses to salve up their credit, and he hath as little wit or honesty in him to be so earnest for Sir *John Lenthall* in particular, who is notoriously knowne and reputed so grand a Knave and Tyrant, by thousands that know him, as *England* hath not his fellow, being at this present Outlawed, and hath so continued 3. yeers, and of whom for murder, Cruelty, Bribery and Arbitrary Government, and what not, there hath so many complaints been made to this present Parliament, (though little effect they have taken, by reason of the Speakers Po-

wer and Interest) whose common practise it is, to walke in a constant contempt and violation of the knowne Laws of the Kingdom, and to the making of them null, and of none effect, as much as in him lies, to the ruine and destruction of thousands of the free Denizens of *England*.

For though the Law provide, that if a man in Execution escape or walke abroad out of Prison, the Jaylor is lyable to pay his debt, yet for his own gaine he doth constantly doe both, and the undone and wronged Creditor can have no satisfaction of him, neither Law nor Justice against him, by reason of the *Speaker* his great faction in the House, supporting of him.

Sir *John Lenthall*, besides his Outlawries, hath dozens of executions upon him, and yet walkes abroad, and continues keeper of *Kings-Bench* Prison, and Justice of Peace, and as it is reported, is Chairman of a Committee, by means of which, he is invested into a Power to crush and destroy every honest man that but opens his mouth to speake of his basenesse and injustice, the height of his injustice and of his Arbitrary and Tyrannicall Government, scarcely in *Strafford* to be parrallell'd, which is so insupportable to the poor oppressed Prisoners in *Kings Bench*, that they have got a proverbe amongst them in these words;

The Lawyers rule Committees, the Speaker rules the Lawyers, Sir John Lenthall rules the Speaker; Thomas Dutton rules Sir John Lenthall, and the Devil rules Dutton.

But for all *Bastwick*s brags of Sir *John Lenthalls* innocency, if he please to doe the State so much service, as to prevaile with his good friend the *Speaker*, to procure the same Court *Marshall* in *London* that sate upon the *Hothams*, as soon as the Ordinance is past, hee shall have the names of some of reputation in the Kingdome, that will before that Counsell accuse Sir *John Lenthall* of High Treason, and hazard the losse of their lives upon the proof of it.

In the last place, the Parliament men swear to be at enmitie with indifferencie or newtrallity, which newtrallitie in the *Covenant*, is branded as detestable by them, and yet notwithstanding, divers of them cannot indure them that would have an end of these warres speedily; but hate and abhorre all those who with all their might endeavour the end of them: and though such men walke by better principles then taking the *Covenant*, even by Principles ingraven up-

on their soules by God himself: yet unlesse they will take this (impossible to be kept) *Covenant*, (the framers and makers of which have runne into wilfull perjury themselves) they must be turned out of Committees and their Regiments disbanded (as in Hartfordshire, &c. and Newters put in their places, that are neither hot nor cold, nor have any other principle whereby to walke, but base pecuniary principles and self-Interests, and by this meanes the Kingdome is in danger to be utterly destroyed, even by such covetous newtrall indifferent Committie-men, and men of excellent publique principles, disfranchised, and undenized, contrary to the fundamentall Constitutions of the Kingdome, which doe allow none to be so dealt with, but only for an act done or committed against the welfare of the Publique.

And though many conscientious men have laid out their witts, their time, their paines, their puries, their blood; yea, and all that in this world is most precious to them for the preservation of the Publique, yet they must not sit in Parliament, though never so fit and able, unlesse they will take this make-bate (persecuting, soul-destroying, *Englands*-dividing, and undoing) *Covenant*. I shall therefore desire all the Commons of *England*, and the Parliament themselves, seriously to read over some part of their owne words, in their *Exhortation* to the taking of the *Covenant*, the words thus follow:

And as for those Clergy men who pretend that they (above all others) cannot Covenant to extirpate that Government, because they have (as they say) taken a solemn Oath to obey the Bishops, in licitis & honestis, they can tell if they please, that they that have sworne obedience to the Laws of the Land, are not thereby prohibited from endeavouring by all lawfull means the abolition of those lawes, when they prove inconvenient or mischievous.

And if there should any Oath be found, unto which any Ministers or others have entered, not warranted by the Laws of God and the Land, in this case they must teach themselves and others, that such Oathes call for Repentance, and not obstinacie in them.

O that the Parliament would mind these their owne words, and give free leave to some of their honest fellow Commoners to remonstrate the inconveniency and mischievousnesse of this *Covenant*, and I am confident, it would easily and clearly be made appeare to

themselves so vild, that they would never inforce it any more, but rather recall it again. *Judg.* 11. 30. *Est.* 3. 10. *Dan.* 3. 3. &c. *Mark.* 6. 23.

12. Whether it be not most agreeable to Law, Justice, equitie and conscience, and the nature of a Parliament mans place, that during the time of his being a member, hee should lay aside all places of profit in the Common-wealth, and tend only upon that function, for which he was chosen; or if he be poor, or have lost his Estate, whether he ought not at present, to be content with his masters wages, that is to say, with so much a day, as the Common-Wealth by the Law of the Land is to pay him for his dayes labour, which is expressed in 33. *H.* 8. 11. to be 4s. *per diem* to every Knight, and to every Citizen and Burgesse 2s. a day, or more, as heretofore hath been accustomed, &c. or with some reasonable Competency, being the Commonwealth is grown so poor, that it is not able to pay her common Souldiers their 8d. a day, though they constantly adventure their lives to preserve her, which the Parliament men seldome doe, and not to thirst after great and rich Places, farre lesse to possesse or enjoy them.

Seeing by woefull experience it is found, that the possessing of them breeds nothing but factions and base cowardlinesse, yea and sowing up of mens lips, that they dare not speak freely for the Common-wealth, nor displease such and such a faction, for feare of being Voted, and thrust out of their unfit to be enjoyed Offices, the Commonwealth hath just cause to fear they wil set up an interest of their owne, destructive to that common Interest and Freedome, whereof the poorest free man in *England* ought to be possessor, and so make this present Parliament an everlasting Parliament, and the Warre a never ending Warre, seeing it tends so much to the enriching of Parliament men and their Officers, who have already wisely, as they thinke, fenced themselves with an Ordinance made the 26. of *June*, 1645. That they shall not be called to account for their Masters the Common-wealths money, nor Plate that once commeth into their fingers.

Object. But would you have those Parliament men, that had their Places before the Parliament sate, turned out of theirs?

Yes, I would have Sir Henry Mildmer, Sir Henry Vane the younger, Soliciter *Saint-John*, Mr. *Holland*, &c. turned out of their Places at present, though I conceive it just they should be secured of the

injoyment of them againe so soon as the Parliament is ended, for their present injoying thereof, sowes but up their lippes, and makes them they dare neither speake nor doe that they should, and without them is hoped they would (and for avoiding the jealousie of partiality) I thinke there is as much Justice, to turne them out during the Parliaments continuings, as to turne out Mr. *Greene*, Sir *Robert Harlow*, Sir *Walter Earle*, Mr. *Reynolds*, the *Speaker*, Mr. *Prideaux*, &c. and all the Chancery Judges, for to me it is one of the most unjust things in the world, that the Law-makers should be the Law executors, seeing by that meanes, if they doe never so much injustice and oppression, a man may spend both long time, and all he hath besides, before ever he can get any Justice against them, yea, and it may be, hazard the losse of his life too.

And therefore it were a great deal better for the Common-wealth, that all the executors of the Law should be such persons as doe not in the least belong to the Parliament, that so they may not be able to make any factions to save their Lives and Estates, when they doe injustice: and I am confident, there is never an honest-hearted Parliament man that meanes well to the Common-Wealth, but he will upon the debating of this needfull point, be of my minde, though it be never so contrary to his owne particular Interest and profit.

But you will say, This will fetch that gallant man *Cromwell* from the Army, which will be a mighty losse to the Kingdome, seeing he is so able and active a Souldier, and so extraordinarily beloved of the Officers and Souldiers in the Army, yea, and such a stay to that unparralleld Generall, Sir *THOMAS FAIRFAX*.

I answer, it is very true, that the Kingdome will have a mighty losse of him indeed, if he should be taken out of the Army, and be made unserviceable to them any where else; but if he come into the House of Commons (that proper seat whereunto hee was chosen,) and doe them ten times more service there, then he doth, or can doe in the Army, what losse hath the Common-Wealth then? Consider seriously the grand service he did the last Winter, when hee was in the House, and see whether any action that ever he did in his life can be parralleld to it, and I beleve it will be found good to have him at home: for he is found at the heart, and not rotten cored, hates

hates particular and selfe-Interelts, and dares freely speake his minde.

Therefore home with him, as well as the rest of Parliament-men, according to their owne Ordinance, and let him perfect what he began, and either lay *Manchester* flat upon his back, or himself, for the best service can be done the Kingdome, is to pull out home-bred Traytors, and to helpe to keep and preserve the *Great Counsell* aright: for if there be Twenty Armies abroad, and your Counsell be not absolutely safe, sound, and Unanimous at home, you are not safe, but still in danger; besides, I have heard it reported, that hee was about a desigine of getting a Committee set apart, and an Order made and published to the whole Kingdome, that if any man, were unjustly oppressed by any Member of Parliament, Committeeman, or any other Officers or Minilters, let him bring his complaint, and hee shall have a just and a faire hearing, and Justice done not in words, but in actions upon the Transgressor.

O for selfe-denying *Cromwell* home againe, to set this on foot, which would be a salve for all our sores, and would gaine the Parliament more ground in one moneth, then their forcing the *Covenant* will doe in a hundred; And if you will seriously meditate upon these things, you will finde there was a hidden mystery in sending him from the Parliament, when he had impeached *Manchester*, the fresh pricking of which veine againe, would cause good blood to grow in the body of our Common-wealth; and besides *Cromwell* may reasonable well be spared now from the Army, seeing there are so many gallant, brave, and true-hearted *Englishtmen* there besides himself, who are well knowne for their Honesty, Parts, Valour and Souldiery to the Noble Generall: and besides, *Cromwell*, if he were at the House, might (if it were thought fit) now and then visite the Army, to solder them together, if there should be any disjoynted, (as I hope there will not) in which Art hee hath good skill, and unfainedly hates all factious pertaking, and base selfe-gainning.

Again, Whether is it not agreeable to Law, Justice, Equity and Conscience, seeing that by the 4. of *Ed. 3.* 14. that there should be a Parliament once every yeere, and more often, if need require, and in the 36. of *E. 3.* 15. it is enacted, That for maintenance of the Laws, and the redresse of divers mischiefs and grievances, which daily

ly happen, a Parliament shall be holden every yeere, as at another time was ordained by a Statute, that seeing this present Parliament, (by reason of the extraordinary necessities of the Kingdom) have fate foure yeeres, and many of the members betray'd their trust, and those that remaine, ingrosse Law-making, and also Law-executing into their own hands contrary both to reason, and to the true intent and meaning of the Law, which saith, *delayer in judgement in other Courts shall be redressed in Parliament, as also false judgements and difficult Cases that shall happen, shall be there decided*: Read the 14.E.3.5.

By which manifest abusing, negligent and not true using the Lawes, oppressions, miſchiefes and grieuances are no lesse (if not far more) increased, then they were before the Parliament began; and many times by the powerfull Interest of a Faction in the Parliament, to save some one, two or three of their Members, undeserving credits; they so violate the known, unrepealed, and declared law of the land; yea and their owne Votes, Ordinances, Declarations and Protestations, as if they had never made them; I say, all these things considered, ought not the Free-men of *England*, who have laboured in these destroying times, both to preserve the Parliament, and their owne native Freedoms and Birth-rights, not only to chuse new Members, where they are wanting once every yeere, but also to renew and inquire once a yeere, after the behaviour and carriage of those they have chosen.

And if they finde that since they came into the House, they never made any motions for the publick good, nor so much as for theirs that sent them, but doe sit like so many *Ninneys* and *Groles*, that have no more wit in them, then will reach from their noses to their mowthes, as Doctour *Bustwick* saies, or have any way been unfaithfull and unserviceable to the publique, or groundedly suspected so to be, that then those that chuse and sent them, may have liberty to chuse more faithfull, able and better men in their places, for standing water will speedily corrupt, if it have not fresh running springs to feed it, though it were never so pure at the first.

Therefore I earnestly desire all true-hearted Free-men of *England*, to have a care in their present new choices, and seriously consider, that Gallant man, Major *George Withers* advice to them in his late Book, especially his 20. page, who there saith, *Some men*

give their voices to their freinds, some to their Landlords, some to the richest (and hee forsooth must needs be the wisest) mens merits are measured by the aker, weighed by the pound, so let a Beast be Lord of beasts, and possesse many acres of durt, hee shall be preferred to be a Parliament-man, in admiration of his wealth, and not wit: although (as Varro saith of a swine) he hath no more soule then will serve in stead of salt to keep his body from putrifying.

But who thinkes upon the poor wise man, who as Solomon saith, saved the City? who thinks of the just man, whose integrity keeps Gods blessing amongst us, and us together amongst our selves? No not one; who wonders then to see a crooked representation of a crooked Commonwealth, it is no true glasse that casts not a shadow as crooked and deformed as the substance: but above all others, have care of chusing Lawyers, as the same Author in his late Poems called *Vox Pacifica*, page 183. saith of them; for if the Commonwealth had Peace with their professed enemies; yet they will reinvigorate.

— Your Quarrells, else, assoone as you agree:
By their formalities, and slow proceeding,
Your remedy for injuries is made
A mischief, the disease oft times exceeding;
And if some eye unto them be not had,
So many places in your Parliament,
They will supply, and fill so many Chaires
In your Committees; that, much detriment
Unto the Subject; and some close impaires
Of Publique Freedomes (e're you be aware)
Which slip upon you, if you have not care.

So strong a party they have alwayes had,
That your great-Charter, which doth interdict
Delay of Justice, was in that point made
(Ere since the Grant) a Law without effect.
But when their Courts, and practises have reach'd
Oppressions beight; they, as the Clergie were;
Shall downe into another Orb be fetch'd,
And taught to keep a constant motion there:

*This worke, upon some Courts hath been begun,
Another time, it shall be fully done.*

And as the worthy Authour of that late sheet of paper, called *Some Advertisements*, for the new Election of Burgeses for the House of Commons, saith in his 6. page.

Take heed how you fill up Elections with these kind of men (meaning Lawyers) the Recorder of every Borough will of course looke to be chosen; as being the mouth of his Corporation: but it is a Custome not fit for the necessitie of these times, our affaires require rather States-men then Lawyers; my Reasons against such Elections follow:

1. The Knowledge of the Common Law, doth no way conduce to the making of a States-man: it is a confined and topicall kind of Learning, Calculated only for the Meridim of Westminster-Hall; and reacheth no furrier then Dover. Transplant a Common Lawyer to Calice, and his head is no more usefull there, then a Sun-dyall in a grave: who ever heard of the Polyticks written in Law-French?

2. If the making and penning of good Lawes were the worke of these times (as they are not) it were not wisdom to chuse Mercenary Lawyers to make Lawes: because they are the first men to invent subtilties to evade them, and make them uselesse; and will per them obscurely on purpose to procure themselves work in the interpretation.

3. Lawyers, being a bold and talkative kinde of men; will intrude themselves into the Chaires of all Committees, where (being accustomed to take fees) they will under-hand protect delinquents, and their concealed Estates with tricks and devices.

4. The Reformation of Courts of Justice, is a worke of absolute necessity, without which (though the sword of the Lord returneth again into its scabbard, so that you have no warre yet) you shall have no Peace: but if you have many Lawyers, they will never suffer any effectfull Law to passe for this purpose: Because they yet move by the corruption and delayes of the Law, then by the Law it self.

5. It is necessary to make a Law for limitation of exorbitant fees, extortion, and prevarication (or collusion) amongst Lawyers, as it is used in other Countries.

6. It is necessary to limit the certaine number of practisers in each Court, that they grow not (like Locusts) over the land, devouring and impoverishing it.

These blessings you will never attain: unto, unless God give you the wisdom to avoide such *Elections*: lay to your hearts sinne as well as the shame and smart, of oppressions and transgressions of lawyers, and you will finde that the cries of the oppressed have been a principall motive to draw downe Gods vengeance upon this mournfull Land.

Was ever so desperate a wound given to the Lawes, Liberties and properties, as the predetermined judgement of Ship-mony. Who gave that blow? Judges. What were they? Thieves *can privilegio Regis in iustis*, who bought Justice by whole-sale, and sold it by Retaille? Who assisted them? Lawyers; who undertaking to pleade for their Clyants against it, (pretending one thing, and doing another thing) for the most part; and betrayed the Cause, all to get favour and preferment; and yet such proceedings; were both against the Judges, and the *Corruption Oub*, upon an extrajudiciall opinion collusively given: (for saith the Record) *Sacramentum Domini Regis erga populum suum habent ad custodiendum*: But our Judges, (though more wicked) have the happinesse to live in a more wicked age, and out-live their crimes, paying onely a small part by way of fine: and enjoying the rest of their stolen treasures: and after they had made Peace as devouring as warre, and the Law as cruell as the Sword; who's that is not a better Christian then these Brothers of the Coyse, brothers in evil: will not cry out with *Epicures*, that God takes no more care what men doe on this earthly balke, then man doth what *Ants* doe on an *Emmet-hill*; when *Verrus*: (being *Consull* of *Cicily*,) had pill'd that *Province*, and (other *Pro-Consulls*, and *Pro-Pretors* were punished for lesser Extortions) he laughing at their foolish moderation, vaunted to his Brother *Tymarchides*: that he had got enough to buy the freindship of the *Senate*, and commendation, of a rich and Honorable man: So our Judges enjoy their crimes, and the prize and reward of them: Nay, they grow fatt and prosper upon the anger of God and man, whilst this Land groanes under the sad weight of the *Sword*, *Pestilence*, and famine, the effects of their injustice: but through whose favour is it they have not expiated their Crimes with their blood: and washed away the Guilt of the Land: but the *Lawyers*? who wisely consider it may be their own Case another day.

I have shewed you how unsafe it is to trust Mercenary-men with making or keeping of your Lawes; I will epitomize what I have said in *Plenies*'s words (in *Panegy. ad Trajanum*,) Heretofore we were laden with our Crimes, now we are oppressed with our Lawes: and it is to be feared, least the Common-wealth (though founded by the Lawes) be confounded by the Lawes (or rather by the Lawyers.)

Likewise to this purpose read what the Author (reputed to be a member of the Assembly, as well as he that writes the *Brotherly and friendly Censure of Mr. Prinnes* 4. *late Queries*:) in his *Antidote against the same* 4. dangerous *Queries*, pag. 3. saith, That if the thing be granted, that he disputes, for Judges will be taught, *That they judge not for man, but for the Lord, who is with them in judgement*, people will grow more peaceable and free from continuall contentions: Lawyers shall not get the wealth of the Land into their hands by *fishing in troubled waters*: encouraging men in unlawfull and quarrelous suites, pleading wicked Causes for large Fees, prolonging suites; and making men spend in long suite unto twice the value of their just Right, and debt for which they sue, and by taking trebble fees, and keeping them, though they faile their Clyant, and have beene employed at other *Barres*, when his Cause was to be pleaded.

Godlinesse and true Religion being increased by faithfull Preaching and godly Discipline, in the hearts of men, will make the Common-wealth free from the necessity of many Lawyers, which the learned Philosopher held to be a Plague in a State and Kingdome: and therefore it is no marvell that the corrupt ones of that Profession, are deadly enemies to the Maintenance, Honour, and other encouragements of the true Ministry of the Gospel.

Also: Read what that honest Author (and true principl'd Common-wealths man:) of the little booke intituled, *A Helpe to the Right understanding of Mr. Wil. Prynne*, saith of Lawyers; and lay all the aforecited Authors together, and you will easily finde, they make it evidently appeare, that there is as little use of Lawyers to be in the House of Commons, as there is of a Plague or Pestilence, or of the Bishops and Popish Lords in the Honourable House of Peeres; their Interest being both as Delatory, and as destructive to the true Peace, Prosperity and well-fare of the Common-wealth of distressed

ted England: for the procuring of which, as principall helpees, and meanes under the powerfull and wise disposing Providence of the Lord JEHOUAH, who in his owne due time, (as Mordecai said to Esther, Est. 4.14. and Isa. 63.3. when all means faileth, is alone able without and beyond all meanes, to bring Salvation by his owne out-stretched Arme, Yet let not us be idle, or idle, but observe and indeavour these insuing means for our part.

I. By Petitioning, and by all other lawfull wayes and addressees, strive to procure from the Parliament, and all other just Authority, that they (according to their duty, Oath, and Profession; yea, and our trust reposed in them) will Administer JUSTICE impartially, (according to that loud and earnest desire of distressed and Imprisoned Lieutenant Colonell LILBURNE, in that late Letter, (which frequently is called his,) and according to those sad and laming Expressions in that just complaining Epistle (of an Utter Barrester to his speciall freind,) called Englands Miery and Remedy,) and that without turning either to the right hand, or to the left, or knowing of any Relation either to Father, Mother, Sister, Brother, Kinsman or other; or without regarding of any Faction, either Popish, Episcopall, Presbyterian, Independant, Separate or Anabaptist, but Cordially to doe every one Justice, because it is just: and severely to punish all perverters of Justice, whosoever they be: one Moneths doing of which, would procure the Parliament more Cordiall freinds then the fighting of all their Armies, or the forcing of all their Covenants, or the Pressing of all their Souldiers, or persecuting all their Sectaries will doe in ten moneths space.

II. To endeavour to set the City of London right, in the enjoyment of her Priviledges: (being the Metropolis of England, that shee may indeed be a true President to all the Cities and Corporations in the Kingdome, and a ballance to all the Tyrants, or Arbytracy-principled men in the same.) the means to set her right, is first, for the Commons to get a Copy of their Charters, and translate them into English, and print them; that so every free-man may see and know his own rights, and endeavour the more earnestly the exemplary punishment of the infringers and inroachers thereupon.

III. To rise as one man under faithfull, honest, experienced, constant, well-affected Commanders, such as these that rise, shall chuse to adventure their lives with, and beleager all the Kings Garrisons before the storme grow so great in the North, that no man dare travell under paine

of his life, according those honest and good Directions lately printed, which are intituled, Englands Cordiall Physick.

IV. To call to a just and strict account a'l Fingers, and Receivers of money, whatsoever, even Parliament men as well as others; for they are all but the Common-wealths servants) and severely (according to the greatest pennaity of any declared and unrepented Law) to punish all those that have any wayes cheated and cozened the Common-wealth, and unjustly made themselves rich by her treasure now in the time of their great riches, and her extreme poverty; and for future time, to make a Law to punish with death all such grosse transgressors, who deserve to have their skinnnes flead off, and stopt full of straw, and hung up publicly in the places where they so unjustly executed their undeserved Offices, and deceived their owne Nation to enrich themselves, to the terrifying of all such as shall succeed them in their places, from the acting of such unchristianlike, and worse then Heathen-like Roaguary.

For I am confident, that the portion of all such covetous State-robbers, Nationall Fellons, mighty thieves, and secret Traytors will be such as are described (or painted lively in their colours) throughout the Twentieth Chapter of Job, from the fourth Verse, which I expresse here at large, and more Scriptures after them, for the use of those that have no Bibles; to read (they are become so dear, and Monopolized like other things, as shall yet hereafter appeare,) the words are these.

Knowest not thou this of-old, since man was placed upon the earth, that the triumphing of the wicked is short, and the joy of the hypocrite but for a moment. Though his Excellency mount up to the heavens, and his head reach unto the Clouds, yet he shall perish for ever, like his owne dung: they which have seen him, shall say, Where is hee?

He shall flie away as a dreame, and shall not be found, yea, he shall be chased away as a Vision of the night, the eye also which saw him, shall see him no more, neither shall his Place anymore behold him. His Children shall seek to please the Poore, and his hands shall restore their goods: His bones are full of the sinne of his youth, which shall lie downe with him in the dust. Though wickednesse be sweet in his mouth, though hee hide it under his tongue: though he spare it, and forsake it not, but keep it still within his mouth.

Yet his meat in his bowels is turned, it is the gall of aspes within him; He hath swallowed down riches, and hee shall vomite them up againe,
God

God shall cast them out of his belly : He shall suck the poyson of Asper, the Vipers tongue shall slay him : He shall not see the Rivers, the floods, the brackes of honey and butter; That which he laboured for, hee shall restore, and shall not swallow it downe; according to his substance shall the restitution be, and he shall not rejoyce therein.

Because he hath oppressed, and hath forsaken the poor, because he hath violently taken away an house which he builded not : surely hee shall not finde quietnesse in his belly, hee shall not save of that which hee desired.

There shall none of his meat be left, he shall be in straites; every hand of the wicked shall come upon him : When he is about to fill his belly, God shall cast the fury of his wrath upon him, and shall raine it upon him, while he is eating.

He shall flee from the iron weapon, and the bow of steel shall strike him through : it is drawn, and cometh out of the body : yea, the glistering sword cometh out of his gall; terroures are upon him, all darkness shall be hid in his secret places; a fire not blowne shall consume him : it shall goe ill with him that is left in his Tabernacle. The heaven shall reveale his iniquity; and the earth shall rise up against him : the increase of his House shall depart, and his goods shall flow away in the day of his wrath : This is the portion of a wicked man from God, and the heritage appointed unto him by God.

Consider and apply these Judgements to your selves yee wicked Lawyers, (if you apprehend your selves to be guilty of the blood, and of grinding the faces of the poor, by your professions, and especially you grand Lawyers, (who are out of your element) in the House of Commons, by your practises.)

And as the Psalmist saith well of wicked men, Psal. 73. 5. &c. They are not in trouble as other men, neither are they plagued like other men: their eyes stand out with fatnes, they have more then their heart can wish, they are corrupt and speak wickedly concerning oppression, they speake foolishly, they set their mouth against the heavens, and their tongue walketh through the earth : therefore the people returne hither, and waters of a full cup are wrung out to them. And they say, how hath God knowen? and is there knowledge in the Most High : Behold these are the ungodly, who prosper in the world, they increase in riches.

But in the 18. verse it is said, Surely thou (O Lord) didst set them in slippery places, thou castest them down into destruction.

And

And in the 49. Psalm. 16. hee saith, Bee not thou afraid, when one is made rich, when the glory of his house is increased, for when hee dieth, hee shall carry nothing away, his glory shall descend after him, &c. And in the 50. Psalm. 16, &c. But unto the wicked, God saith, What hast thou to doe with my statutes, or that thou shouldest take my Covenant in thy mouth: seeing thou hatest instruction, and castest my words behind thee. When thou sawst a thief, then thou consentedst with him, and wast been partaker with Adulterers. Thou givest thy mouth to evill, and thy tongue frameth deceit. Thou sittest and speakest against thy brother, thou slanderest thine owne mothers sonne. These things hast thou done, and I have kept silence: thou thoughtest that I was altogether such a one as thy self; but I will reprove thee, and set them in Order before thine eyes. Now consider this, yee that forget GOD, lest I teare you in pieces, and there be none to deliver. Whoso offereb praise, glorifieth me, and to him that ordereth his conversation aright, will I shew the salvation of God.

But as the Prophet Jeremiah saith, chap. 23. &c. But this people hath a revolting and rebellious heart; they are revolted and gone: neither say they in their heart, let us now feare the Lord, our GOD, that giveth rain, both the former and the latter in his season, hee reserveth unto us the very appointed weeks of the harvest: your iniquities hath turned away these things, and your sinnes have withdrawn good things from you. For among my people are found wicked men; they lay wait, as hee that layeth snares, they set a trap to catch men. As a cage is full of birds, so are their houses full of deceit; therefore they are become great, and waxed rich. They are grown fat, they shine, yea, they overpasse the deeds of the wicked, they judge not the cause, the cause of the fatherlesse; yet they prosper, and the right of the needy doe they not judge.

Shall I not visite for these things, saith the Lord, shall not my soul be revenged on such a Nation as this? A wonderfull and horrible thing is committed in the Land, the Prophets Prophesie, falsly, and the Priests beare rule by that means, and my people love to have it so, and what will yee doe in the end thereof?

But to returne to our former matter, especially the grievances of the Nation; (through the mistake of the Printer, in omitting of some Manuscripts) and the absence of the Author, when the Monopolies in the former part of this Book were expressed; as chiefly that soul-starving, or murdering Monopoly, in hindering the free passage of the

the Gospel, by extorting the prices of Bibles, which the false self-loving Stationers, as deadly enemies to all goodnesse, have been enterprising a long time to obtaine, and against all common freedom, to engrosse into their owne hands the sole and only selling of them, by which meanes, they intend to sell at what rates soever they please, though already they sell at double the rate that honest well-affected Common-wealths men may print and sell them, and also be conscionable gainers by them:

So of all Monopolies or Patents, next the monopolizing of ingrossing the Preaching of Gods Word into the Tything and grieping clawes of the Clergy: this is the most wicked and intollerable, because it deprives many, both poore servants, and others of meane condition to buy any Bibles at all, by reason of the extraordinary dearth or dearness of them, that thereby they might be instructed in the way to heaven and happinesse; and taught their duty also towards their Masters, and the Magistrates; whereby it is evident, that those Stationers, thus enterprising, are self-seekers, and as great enemies to the Common-wealth, as they are to all goodnesse.

And besides, they employ the Bishops old Thieves and Rogues about their robbing affaires, as *Hunscott* their Beadle for one, and a tall pale-faced fellow for another, who lately with their base crew of robbing Partners, under pretence of Parliamentary Authority, to search for dangerous Bookes, have robbed divers honest mens houses in *London*, who have been the Parliaments best friends and servants, and particularly, Lieutenent Colonell *Lilburnes* house, who being Prisoner in New-gate, and his wife with him, and he great with Child, & neer her time, those robbers took advantage of their absence.

And none being in the House, but an old Gentle-woman at that time, whom they much frightened; as they did a young Gentle-woman in another place, to the great danger of her life (inasmuch that she cryeth out in her extreame Fever, *Hunscott, Hunscott,*) they ranne up into the Chambers, & stole out of his wifes Drawers, divers pieces of her Child-bed linnen, and such other things as they pleased, and refused to shew the Old-woman what they had stolen, though she earnestly intreated them.

And in other the Parliaments friends houses, under the colour of Parliamentary Authority, they at least doe rob all choice old books,

as well as new, upon all occasions of such grievous oppressions, and unexpected persecutions.

And not only hath this base fellow *Hunscott* this so needfull and profitable Office of Robbing, but it is reported, that hee hath also another as needfull and profitable, for he gathereth the Excise for Cattel, and Hats, &c. which with the former, is esteemed to be worth 500*l. per annum* to him.

Oh! what a cleer demonstration of future and intended slavery may be well and cleerly perceived by any (who have but halfe an eye) to begin againe among us (though after more hidden and obscured wayes then formerly) when such sturdy Roagues, bold Robbers, shamelesse, covetous, and impudent Tyrants as this, or his fellows, are authorized and sent from high Judicatories, upon such ungodly & barbarous designs, & inhumane enterprizes, & yet found good enough also to be imployed in the great Affaires of the Kingdom!

Is there never a conscientious nor honest man left unkilld, exiled or imprisoned, that hath the feare of God, & done good & faithfull service to the State, there would be some colour of excuse, that such abjects and off-scourings of mankind should be accepted, and well-deserving worthy men quite rejected? Well, these are brave times for the wicked, who are advanced by the ruine of the godly, the allowed thiefe permitted to rob and destroy the honest man, the rich to rob, plunder and sequestrate the poore, untill they can get no more, but when they have gotten all, and done with all what they please, it rests only that the poore also, in their turne, render them the like measure, and finde out their Riches for the States service, which all this heavy time they have saved, whiles poore mens estates have been exceedingly destroyed.

But as the Water-men at *Queen-birch* doe usually cry, *Westward ho, ho, ho*, so according to the present current of the times, most honest men have more then cause to cry in the Water-mens language, *Æ ypt ho, ho, ho, the house of Bondage, slavery, oppression, taxation, heavy and cruell, heavy and cruell, wee can no longer beare it, we can no longer beare it, wee can no longer beare it; wee are as much provoked & forced to cast off all our yokes and crosses from our shoulders (except only that of Persecution) as ever any people or Nation, though no People or Nation under heaven have been more free, beneficiall and helpful to those whom wee intrusted to help and deliver us from Oppression,*

which saith the Wise-man, *is enough to make wise men mad.*

According to the Parliaments Declaration, in their own words, expressed on the second page of this book, is it not justly said, that if the Generall of an Army should turn the moutbes of his Cannons against his owne Scouldiers, would not that his attempt contrary to the nature of his trust and place committed unto him, *ipso facto*, estate the Army in a right of disobedience, (even by standing on their own defence, as the Parliament themselves doe (and we also in helping them, or else where had they been, against the fury of the King, which *Salomon* calleth, *like the roaring of a Lion*; except wee thinke that obedience binds men to cut their owne throates, or at least their companions, so (as they truly teach us) it is the equitie, and not the Letter of the Law, unto which wee must have recourse in our greatest necessity, as the Parliament themselves were forced to doe, and still doth in this their owne extremity.

But some will say, that our bondage is not yet so bad as that of *Egypt* was, for all the Jewes were in great bondage under the *Egyptians*, and yet many of ours are exempted; unto that I yeeld, and doe confesse, that few of our great and mighty men doe either work the clay, or make the bricks; but they lay either all, or most part of the burthen on the poor by heavy labour, and sweat of their browes in the heat of the day, not only in working the clay, and making of the bricks, but if they doe complaine to *Higher Powers*, upon their cruell and Tyrannous *Task-masters*, they are so farre from getting any kind of Justice, that because they moaned and complained, and groaned under such heavy and grievous burdens, that they were not able any longer to beare or indure, they are further ordained (even for their complaining) to gather stubble too, because they are so idle.

Innumerable instances there are throughout these three mourning and bleeding Kingdomes, to prove all these businesses, but I will onely chuse a Citie instance, and let every man who is in his profession after that manner grieved and wronged, turne the simile home to himself, according to his smart; Though the poore Hat-makers, who earne their living with heavy and hot labour, both early and late, doe pay Excise both for all the materialls, and fire which they use, for the bread they eate, for the liquor they drinke, and clothes they weare, yet when they have made their Hatts, and
done

done all they can with great trouble and toyle, day and night, they are forced to pay **Excise** over againe out of their very labour; notwithstanding it was both so deare and heavy in buying all the necessaries before.

O cruell, pitifull, lamentable and intollerable Bondage, no longer to be indured, suffered, nor undergone, the burdens being far heavier then the poore labourers can beare, and yet the *Spiritual Task-masters* doe gape, and roar like Lions for their prey of Tythes, also over, above, and besides all, without any kinde of pittie, compassion or commiseration, in these grievous daies of affliction.

When this Kingdom was in any way or possibility of subsistence, the antient custome was, that Taxations should be raised by way of Subsidie, which is the most just, equitable, and reasonable way of all, for it sets every tub on its owne bottom, it layes the burthen upon the strong shoulders of the rich, who onely are able to beare it, but spareth and freeth the weake shoulders of the poore, because they are scarcely able to subsist, pay rent, and maintain their families.

But our new invented pay, layes the burden heavily upon the poore, and men of middle quality or condition, without all discretion, and scarcely maketh the rich touch it with one of their fingers: yea, many of them are more and more advanced in their prosperous estate, through the great mines, distractions, and miseries of the Kingdome, by their great falleries they have for executing their places, as 500l. 1000l. 1200l. and more, *per annum*, besides all the bribes they get, and the false Accounts they make; So that in this life, the rich have their pleasures, but poore *Laz. rus* paines.

Seeing the Parliament ordained, that none should be accepted to be a Parliament-man, that had been a Monopolizer to the Kings Councell, and false Judges against the Liberties of the free-men of *England*, is it not as unjust to imploy any man in a place of Trust, Credit, or profit now in Parliament time, that have been known to be a Monopolizer in any place or Office to or for the Parliament, to the prejudice of the Free-men of *England*?

Further it was omitted in the former part of this book, where complaint is made both of injustice to well-doers, and no justice to evill doers, that (according to the Parliaments booke of Declarations, pag. 259. and 260.) *Whoever shall serve or assist the King in these*

Warres, are Traytors by the fundamentall Lawes of this Kingdome, and have been so adjudged by two Acts of Parliament. 11. Richard 2. 1. Hen. 4.

And pag. 576. of the said book, It is declared by the Lords and Commons assembled in Parliament, that whereas the King, seduced by wicked Counsell, doth make warre against his Parliament and People, and for the promoting of that war, divers forces both of horse and foot have been, and are leavied and raised by severall persons, and his Majesties good Subjects are most cruelly robbed, spoiled and staine.

To the end that no man may be misled through ignorance, the Lords and Commons in Parliament declare, that all such persons as shall upon any pretence whatsoever, assist his Majestie in this warre with Horse, Armes, Plate or money, are Traytors to his Majestie, the Parliament, and the Kingdome, and shall be brought to condigne punishment for so high an offence.

Yea, and according to the book of Articles for Warre, pag. It is enacted to be death unto any whosoever, who holdeth Intelligence and correspondency with the enemy.

All which Sir Johu Lemball, and the Speaker his Brother have done, and yet it must neither be proved against them, nor they tryed nor arraigned, but altogether excused, cleered, and freed, even by Vote of Parliament, and the accusers both prisoned and arraigned for them; yea, & a Committe chosen to devise and inflict punishments against the Accusers, so that still the just are condemned, and the wicked absolved.

Psal. 82. 19. For the needy shall not alway be forgotten: the expectation of the poore shall not perish for ever: Arise, O Lord, let not man prevail, let the Heathen be judged in thy sight. And 12. 5. For the oppressions of the poor, for the sighing of the needy, now will I arise, saith the LORD, I will set him in safety. from him that puffeth at him. And 35. 10. All my bones shall say, LORD, who is like unto thee? which delivereth the poore from him that is too strong for him; yea, the poore and the needy from him that spoileth him? And 37. 14. The wicked have drawne out the sword, and have bent their bow, to cast downe the poor and needy, and to slay such as be of upright conversation.

And 62. 9, 10. Surely men of low degree are vanity, and men of high degree are a lie, to be laid in the balance, they are altogether lighter than vanity. Trust not in oppression, become not vaine in robbery: if riches increase,

treaste, set not your hearts upon them. And 74. 19. O deliver not the fruit of thy Turtle Dove, unto the multitude of the wicked, forget not the Congregation of thy poore for ever. And 82. 3, 4, 5. Defend the poore and fatherlesse, doe justice to the afflicted and needy. Deliver the poore and needy, rid them out of the band of the wicked, they know not, neither will they understand: they walk on in darknesse, all the foundations of the earth are out of course.

And 92. 6, 7. A brutish man knoweth not, neither doth a foole understand this; When the wicked spring as the grasle, and when all the workers of iniquity doe flourish, it is, that they shall be destroyed for ever. And 118. 8, 9. It is better to trust in the Lord, then to put confidence in man. It is better to trust in the Lord, then to put confidence in Princes. And 146. 3. Put not your trust in Princes, nor in the sonne of man, in whom there is no helpe.

Isaiah. 10. 1, 2, 3, 4, 5, 6. Woe unto them that decree unrighteous decrees, and write grievous things, which they have prescribed. To turn aside the needy from judgement, and to take away the right from the poor of my people, that Widdows may be their prey, and that they may robbe the fatherlesse. And what will ye doe in the day of Visitation: and in the desolation which shall come from farre? to whom will ye seek for help? and where will ye leave your glory? Without me they shall bow down under the Prisoners, and they shall fall under the slaine, for all this his anger is not turned away, but his hand is stretched out still. O Assyrian, the rod of mine anger, and the staffe in their hand is mine indignation. I will send him against an hypocriticall Nation; and against the people of my wrath, I will give him a charge to take the spoile, and to take the prey, and to tread them downe like the myre in the streets.

F I N I S.

The chiefe faults escaped in the printing, either through the
Authors absence, or the Correctours negligence.

In page 4. l. 22. read the last but one of. p. 5. l. 2. read and that. & l. 7. read for the same. p. 7. l. 37. r. and justly for hence justly. and read may condemne for may not condemne. p. 9. l. 20. r. of which you may. and l. 32. r. are culpable. p. 10. l. 19. r. publick for bublick p. 15. l. 18. r. that call evill good, and good evill and adde to the next

Aue

line, Job 14. 4. Who can bring a clean thing out of an uncleane?
not one. read 25. 4. and Psalm. 51. 5. p. 16. l. 16. r. to prison
without cause shewed, and l. 18. r. to force him to commit a crime. &c
l. 26. r. and then make for and then to make p. 17. l. 14. r. strength-
ned for freighted, l. p. 37. l. 18. r. suites for suite, p. 39. l. 1. r. according
to those, for, according those. p. 40. l. 23. r. consider, for consider.

THE POSTSCRIPT,

Containing divers sentences belonging to severall passages of this
Book, which were in their due places omitted, and here
at last remembered.

ADde to page 16. l. 29. So that first, he was committed by Order
and Vote of Parliament, without cause shewed, and then second-
ly, for refusing to answer upon Interrogatories to their Com-
mittee of Examinations; which is contrary, 1. To the Great Charter of
England. 2. To the very words of the Petition of Right. 3. To the act
made this present Parliament, for abolishing the Star-chamber, 4. To
the solemn Oath and Protestation of this Kingdome. 5. To the great
Covenant and Solemn Vow, made upon paine of eternall damnation,
for uniting the two Kingdomes together. 6. And most principally of all,
contrary to the infallible Rules of Gods own most sacred Word, which
forbids that any man should answer upon questions to accuse, condemne,
and consequently to kill and destroy himself, or that any man should be
condemned before he be heard. And 7. Contrary to all justice, equity,
conscience, sense, reason, the very practise of the Romish Heathens, love,
duty, brotherly affection, Christianity, Reformation, Comiseration, or
Compassion. 8. Contrary to the Kingdoms great trust, committed by their
grand Commission to the Parliament, for defending and improving, and
no wise for destroying nor disannulling their Liberties, and so alwayes
for the Weale, but never for the woe of the Free-men of England, other-
wise they are not only to be bidden to take heed to their injustice, but to
be called to an account, and censured accordingly.

That in regard the Kingdome is in so pittifull and great distresse, and
that the most and best things that ever this Parliament did, were first
motioned by private men, and then authorised and established by them;
it would be excellent and needfull, if they would ordaine, that every free-
man of England, who is able, would bestow his service one yeere at least,
freely for the good of the Civill State, in any Place or Office of Trust,
whereof his skill and breeding doe fit him, to be most capable, according
they shall be chosen, and those who are not able to serve freely for a
yeere,

yeere, and to have competent maintenance allowed unto them, to the value of 50. or 60l. a yeere, according to their charge; if such be chosen for their skill and diligence, though they want outward means: for which allowance, those that are consciencious, will doe as good service, at least, as some others, who have 1000. or 2000. a yeere.

The likerule is no lesse, but rather farre more excellent and needfull, to be observed and established in matters concerning the Church-state wherein her servants are to performe their duties freely, they being able to maintain themselves, and those with them, whether by means obtained formerly, or industry used daily; otherwise, to have the like allowance of 50. or 60l. a yeere, according to their charge.

And that the remainder of all Church-living, obtained by the subtilty of Antichrist, be now wholly imployed to the supply of the Kingdomes manifold present necessities, and after the Warrs are ended, to the payment of the Kingdoms great debts, contracted upon the publick faith.

But if in case, that the Clergy or any of them shall not be content with the aforesaid allowance, which is sufficient for as honest men, that then it might be free for those whom God shall be pleased to fit with sufficient abilities to supply their places freely: to the intent, it may not be said of them, as of the Scribes and Pharisees, that they shut up the Kingdome of heaven, and will neither enter in themselves, nor yet suffer those that would. Matth. 23. 13 Luk. 14. 52.

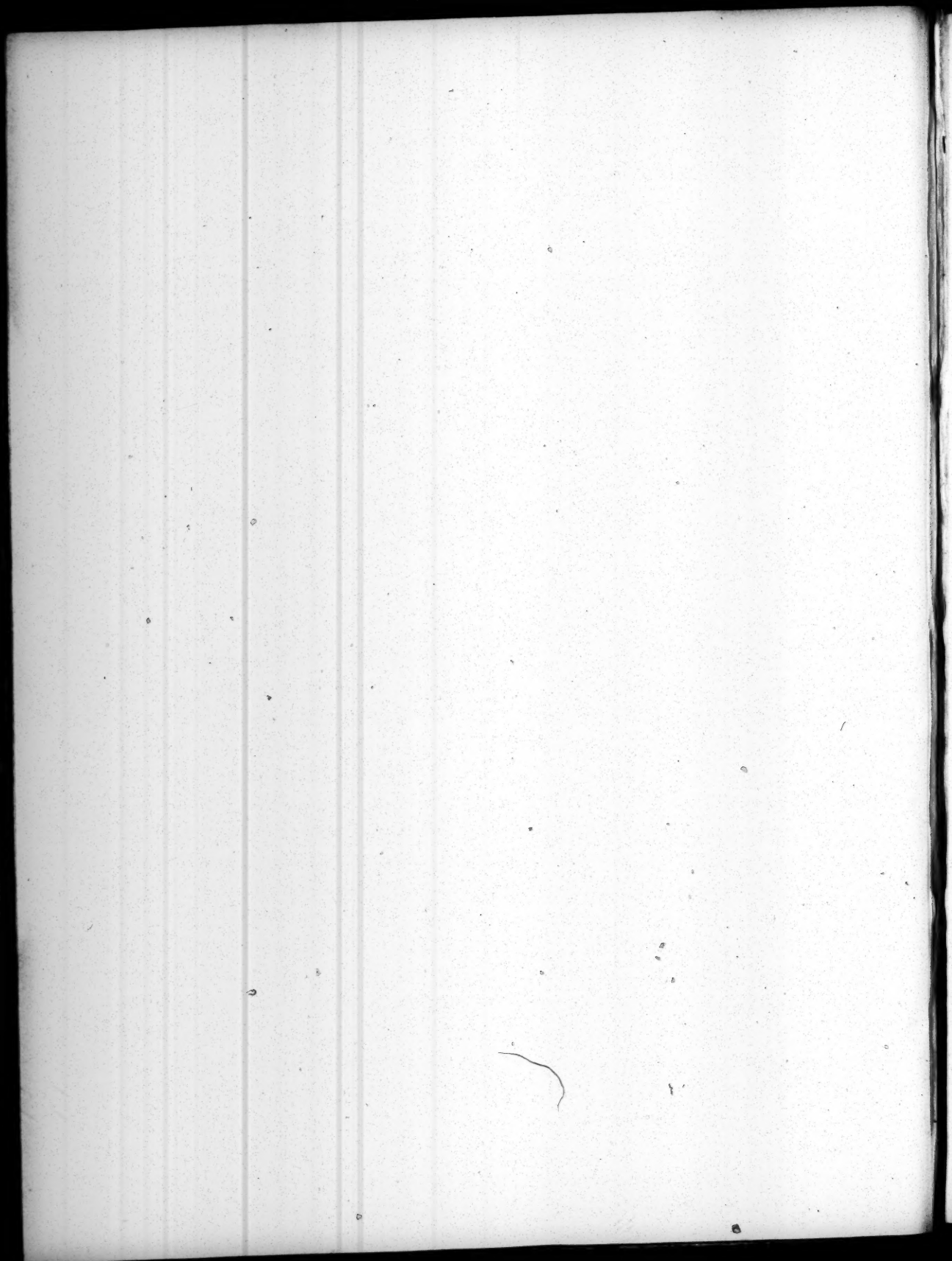
In the Appendix of one of Mr. Prinnes booke, authorized by the Parliament, called The Sovereign power of Parliaments and Kingdoms, beginning at pag. 1. It is manifested by sundry Histories & Authours, that in the ancient Roman Kingdome and Empire, in the Greek and German Empires, derived out of it, in the old Grecian, Indian, Egyptian Realmes, in the Kingdome of France, Spaine, Italy, Hungaria, Bohemia, Denmark, Poland, Swethland, Scotland, yea of Judah, Israel, and others mentioned in the Scripture, the supream Sovereignty and Power, resided not in the Emperours and Kings themselves, but in their Kingdomes, Senates, Parliaments, People, who had not enely power to restrain, but censure and remove their Emperours & Princes, for their tyranny and mis-government; Where also there is an answer to the principall Arguments to prove Kings above whole Kingdomes and Parliaments, and not questionable nor accountable to them, nor censurable by them for any exorbitant actions.

The 4. page, 6. 7. 10. 11. 13. 17. 101. 112. 123. 125. 150. 151. 153. 154. 159. are most excellent for deciding those differences, which I referre to the judicious and courteous Reader to peruse at his leisure.

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